

Notice of Allowability

Application No.

09/973,251

Examiner

F. Ryan Zeender

Applicant(s)

SCIUK, DAVID N.

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication received 9/25/06.
2. ☒ The allowed claim(s) is/are 100-108, 110-137, 139 and 176-178.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Statement Regarding Drawings

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in applicant's reply filed 9/25/2006.

The application has been amended as follows:

Claims 29-47, 49-82, 84-99, 140-158, are 160-174 were cancelled.

DRAWINGS

The drawings submitted 9/25/2006 by the applicant have been approved by the Examiner.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The best prior art, Puram et al. (US 6,289,340), discloses using artificial intelligence (AI) to assist employers (users) to define the skills needed for a particular position (order). This is accomplished by (1) querying the employer for a description of skills needed to fill a position, (2) recognizing the stage of the project based on the employer's description, and (3) using a branching method to ask follow-up questions.

Puram et al., however, lack the teaching (common to claims 100 and 103) of:

1) employing a knowledge base which is separate from the user information and separate from program code as in Applicant's independent claims 100 and 103.

2) extending use of AI to assist prospective employees (providers) to define and redefine their skills as in Applicant's independent claims 100 and 103.

3) extending use of AI to misrepresentation detection of a prospective employee's (provider's) information as in Applicant's independent claim 103.

4) automatic recomputing of the degree of matching based upon a plurality of iterative information-gathering steps where requests for additional information are generated in a fully automated way based on responses previously received.

5) computing and recomputing a degree of matching between each order-provider pairing using responses to the cascading series of requests for additional information generated by the matching system in a fully automated way so that subjective bias from humans in generating the requests for additional information is substantially eliminated and the degree of matching is improved thereby.

6) iteratively convergent problem solving in which the system cyclically requests information and gathers answers to converge on an improved matching result.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed, are novel and unobvious.

It is noted that a separate foreign patent search and a separate non-patent literature search was performed for this case. However, no prior art was found that

could reasonably be considered as "best prior art" for the purposes of this "Reasons for Allowance".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

F. Zeender
Friday, October 27, 2006


F. RYAN ZEENDER
PRIMARY EXAMINER